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February 16, 2017

**VIA ECF**

Honorable Valerie E. Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

*Re: Anand Gupta v. Al Jazeera America, LLC and Al Anstey*  
*Civil Action No. 16 Civ. 02980*

Dear Judge Caproni:

This firm represents Defendants Al Jazeera America, LLC (“AJAM”) and Al Anstey (“Anstey”) (collectively, “Defendants”) in the above-captioned matter. The parties to this action jointly submit this letter in accordance with the Court's January 31, 2017 Order. A pretrial conference is scheduled for February 24, 2017, at 10:00 a.m. Jointly with Plaintiff Anand Gupta (“Plaintiff” or “Gupta”), we write to provide the Court with the requested description of: (1) a statement of all existing deadlines, due dates, and/or cut-off dates; (2) a brief description of any outstanding motions; (3) a brief description of the status of discovery and of any additional discovery that needs to be completed; (4) a statement describing the status of any settlement discussions and whether the parties would like a settlement conference; (5) a statement of the anticipated length of trial and whether the case is to be tried to a jury; (6) a statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony; (7) any other issue that the parties would like to address at the pretrial conference; and (8) any other information that the parties believe may assist the Court in advancing the case to settlement or trial.

**1. A statement of all existing deadlines, due dates, and/or cut-off dates.**

In accordance with the Court’s Order of January 31, 2017, fact discovery is scheduled to close on February 23, 2017.

In accordance with the Court Order of September 30, 2016, expert discovery, including reports, production of underlying documents, and depositions, shall be completed no later than March 20, 2017.<sup>1</sup>

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<sup>1</sup> Neither Plaintiff nor Defendants intend to proffer any expert witnesses.



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**2. A brief description of any outstanding motions.**

There are no outstanding motions.

**3. A brief description of the status of discovery and of any additional discovery that needs to be completed.**

The parties have diligently engaged in the discovery process so far. Collectively, the parties have exchanged over 10,000 pages of documents in response to over 300 document requests. Further, the parties have now completed the depositions of nine (9) witnesses.

The deposition of a tenth witness is largely completed, with approximately one (1) hour of testimony remaining.

One final deposition of a third-party witness (former employee) has been scheduled for February 21, 2017 in Boston, Massachusetts.

The parties are continuing to work through any remaining discovery issues and/or disputes. To the extent that they are unable to do so, the parties will request a telephone conference pursuant to the Court's individual practices before the fact discovery deadline.

**4. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference.**

The parties engaged in settlement negotiations before Plaintiff filed this action. Those negotiations broke down. The parties also participated in the court-ordered mediation of this matter, but the mediation was unsuccessful. Now that discovery has been substantially completed, counsel for the parties will discuss whether it would be productive to revisit settlement discussions at this time.



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**5. A statement of the anticipated length of trial and whether the case is to be tried to a jury.**

**Defendants' Position:** Defendants respectfully submit that the lawsuit is properly subject to a motion for summary judgment and, accordingly, no trial is necessary in this action. The length of any trial would depend on which claims, if any, remain in the case. Should any claims remain (which Defendants respectfully believe should not be the case), we estimate that a trial in this case — including jury selection — will last approximately one (1) to two (2) weeks.

**Plaintiff's Position:** Plaintiff believes that there are material facts in dispute and that summary judgment is inappropriate. Plaintiff anticipates that a trial, including jury selection, will last one (1) to two (2) weeks.

**6. A statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony.**

Defendants anticipate filing a motion for summary judgment.

Plaintiff does not intend to file a motion for summary judgment.

**7. Any other issues that the parties would like to address at the pretrial conference.**

N/A.

**8. Any other information that the parties believe may assist the Court in advancing the case to settlement or trial.**

N/A.



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We thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

VLADECK, RASKIN & CLARK, P.C.

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